UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

FEB 2 8 2005

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES Ex parte KAZUHIRO ASADA

Application No. 09/899,919

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on February 1, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing are identified below:

Appellant filed an Information Disclosure Statement (IDS) on September 15, 2003. The references listed in the IDS of the Image file wrapper (IFW) have not been initialed nor has the IDS been signed and dated. Also, we find no mention of consideration of the IDS in any of the examiner's subsequent actions. Therefore, it is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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Accordingly, it is

ORDERED that the application is being electronically returned to the examiner for consideration of the IDS filed September 15, 2003, notification to appellant in writing of consideration and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS AND INTERFERENCES

By:

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DMS/vsh